

*#4*  
PTO/PCT Rec'd 11 JAN 1999

IN THE UNITED STATES PATENT DESIGNATED OFFICE (DO/US)  
(National Phase of International App.: PCT/USGB96/02416)

09/051159

In re the  
application of: Allan Balmain and Jingde Zhu

International Application No.: PCT/USGB96/02416

International Filing Date: 02 October 1996

U.S. Serial No.: 09/051,159

Filed: April 2, 1998

For: Antitumour Vector Constructs and Methods

Attorney Docket No.: CCI-005US

Assistant Commissioner for Patents  
BOX PCT  
Washington, D.C. 20231

Certification Under 37 CFR 1.10

I hereby certify that the attached:

Transmittal Letter (1 sheet in duplicate); Certificate of Express Mailing (1 sheet); Response to Notification of Missing Requirements Under 35 U.S.C. 371; Petition Pursuant to 37 C.F.R. §1.47(a); Affidavit by Anne Zwirlein and Margaret Roberts in Support of Petition Pursuant to 37 C.F.R. 1.47(a) (with Appendix A); Declaration, Petition and Power of Attorney (Executed) (4 Sheets); A copy of Form PCT/DO/EO/905; Request for Five-Month Extension of Time (in duplicate); Checks for (\$925.00 for exension fee) (\$65.00 for surcharge) (\$130.00 petition fee) and return postcard are being deposited by me with the United States Postal Service "Express Mail Post Office to Addressee" service, Mailing Label No. **EL 094334169US**, under 37 CFR 1.10 on the date indicated below and is addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231.

Date: 13 January 1999

Name: Vinicio G. Condover Signature: Vinicio G. Condover

09/051159

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Allan Balmain and Jingde Zhu

Serial No.: 09/051,159

Filed: April 2, 1998

For: Antitumour Vector Constructs and Methods

Attorney Docket No.: CCI-005US

Group Art Unit:

Examiner:

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Dear Sir:

Responsive to the *Notification of Missing Requirements Under 35 U.S.C. 371* dated July 13, 1998, Applicants' agent submits herewith an executed Declaration, Petition and Power of Attorney for Patent Application for the above-identified patent application by Allan Balmain. In addition, a Petition requesting that the application be accepted pursuant to 37 C.F.R. § 1.47 given the refusal of Dr. Zhu to sign the Declaration, Petition, and Power of Attorney is being filed on even date herewith. A check in the amount of \$65.00, based on small entity status, is enclosed to cover the surcharge under 37 CFR 1.492(e) along with a check in the amount of \$130.00 to cover the petition fee under 37 CFR 1.17(i). A copy of Form PCT/DO/EO/905 is also enclosed.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

"Express Mail" mailing label number EL094334169US  
Date of Deposit January 13, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents Box PCT, Washington, DC 20231

Megan E. Williams  
Signature

Megan E. Williams  
Please Print Name of Person Signing

LAHIVE & COCKFIELD, LLP  
Attorneys at Law

By Megan E. Williams  
Megan E. Williams, Ph.D.  
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Boston, MA 02109  
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09/051159

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Allan Balmain and Jingde Zhu

Serial No.: 09/051,159

Filed: April 2, 1998

For: Antitumour Vector Constructs and Methods

Attorney Docket No.: CCI-005US

Group Art Unit:

Examiner:

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

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Viriato G Cardoso  
Signature

Viriato G Cardoso  
Please Print Name of Person Signing

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By Megan E. Williams

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#4  
09/051159

## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT		ATTY. DOCKET NO.
09/051,159	BALMAIN		A CCI-005US
			INTERNATIONAL APPLICATION NO.
			PCT/GB96/02416
	I.A. FILING DATE	PRIORITY DATE	
	10/02/96	10/02/95	
	DATE MAILED:		07/13/98

AMY E MANDRAGOURAS  
LAHIVE & COCKFIELD  
28 STATE STREET  
BOSTON MA 02109

5621

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as  a Designated Office (37 CFR 1.494),  an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee.
- Copy of the international application in:
  - a non-English language.
  - English.
- Translation of the international application into English.
- Oath or Declaration of Inventor(s) for DO/EO/US.
- Copy of Article 19 amendments.
- Translation of Article 19 amendments into English.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.
- Preliminary amendment(s) filed Aug 2, 1998 and \_\_\_\_\_.
- Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.
- Assignment document.
- Power of Attorney and/or Change of Address.
- Substitute specification filed \_\_\_\_\_.
- Verified Statement Claiming Small Entity Status.
- Priority Document.
- Copy of the International Search Report  and copies of the references cited therein.
- Other: 306

DOCKETED  
AUG. 13, 1998 - MISSING REQUIREMENTS  
AND SURCHARGE  
-DECLARATION  
-ASSIGNMENT Notices?  
JAN. 13, 1999 - ESP W/5 MOS. EXT.

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
  - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:  PCT/DO/EO/917

Notice of Defective Translation

PTO-875

FORM PCT/DO/EO/905 (September 1996)

Telephone: (703) 308-9116

